

Notice of Allowability

Application No.

10/600,094

Examiner

Shay L. Balsis

Applicant(s)

NEMCEK, DANIEL D.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/16/05.
2. ☒ The allowed claim(s) is/are 1-14, 15-16, 17, 18, 19, 20 (renumbered 1-14, 16-17, 19, 15, 18, 20 respectively).
3. ☒ The drawings filed on 28 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, page 1, line 2, after "60/398,438," insert ---filed July 25, 2002,---

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 1, 15 include the limitation that there is at least one wall extending upwardly adjacent to the at least one drive member. There is a cleaning member positioned on the wall adapted to remove debris from a tread surface of the wheel.

Claims 16 includes the limitation that there is at least one upstanding wall adjacent to a wheel rotator with a means, affixed to the wall, for removing debris from the inside, outside and tread portion of the wheel simultaneously.

Claim 17 includes the limitation that there is a platform with two apertures and three upstanding walls extending around the apertures. There is at least one cleaning member attached to the upstanding walls to clean debris from the wheels.

Kuster (USPN 3903559) and Nishina (USPN 6671917) teach tread cleaners however the tread cleaners are not attached to an upstanding wall.

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Randrup (USPN 1909869) teaches side wheel cleaners attached to upstanding walls however Randrup fails to teach tread cleaners.

Schock (USPN 570610) and Clyne et al. (USPN 4233703) teaches side wheel cleaners as well as a tread cleaner however, Clyne does not teach that any of the cleaners are attached to upstanding walls and Schock only teaches that the side wheel cleaners are attached to upstanding walls.

Coley (USPN 3729763) and Weishaar (USPN 2857605) teaches a wheel cleaner with side wheel cleaners attached to an upstanding wall however there is no mention of a tread cleaner on an upstanding wall.

Candow (USPN 4841591) teaches a wheel cleaner comprising a tread cleaner however the cleaning member is not located on an upstanding wall. Candow also fails to teach that the wheel cleaner comprises a motor and a drive member attached to the motor, which is adapted to rotate the wheel being cleaned.

It would not have been obvious to modify the prior art references so that a tread cleaner is located on an upstanding wall since the element getting cleaned is meant to pass between side cleaners (if any) and over tread cleaners (if any). If a tread cleaner were attached to an upstanding wall, the wheel to be cleaned would not be allowed to pass through the washing device. All the prior art references teach a washing device that allows the wheel to drive up one side of the platform and off the opposite side of the platform. If the prior art references were modified so that tread cleaner was on an upstanding wall, the wheels would not be able to drive off the opposite side of the platform. Therefore, it would not have been obvious to modify the invention to achieve the claimed invention.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
6/21/05


JOHN KIM
SUPERVISORY PATENT EXAMINER